

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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10 Attorneys for Plaintiffs/Counterclaim
 11 Defendants
 Sybase, Inc. and Informatica Corporation

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 SYBASE, INC., a Delaware Corporation, and
 16 INFORMATICA CORPORATION, a Delaware
 Corporation,

17 Plaintiffs,

18 vs.

19 DATA RETRIEVAL TECHNOLOGY LLC, a
 20 Delaware Corporation,

21 Defendant.

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Attorney for Defendant/Counterclaim
 Plaintiff Data Retrieval Technology LLC

No.: C08-05481 VRW

**STIPULATION AND ~~[PROPOSED]~~
 ORDER SELECTING ADR PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

X Private ADR *(please identify process and provider)*: **Parties have agreed to participate in private mediation. Parties will further meet and confer regarding an agreed-upon private mediator.**

The parties agree to hold the ADR session by:

the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline: **November 30, 2009.**

Dated: May 21, 2009

/s/ James A. Daire
James A. Daire, Counsel for Sybase, Inc., and
Informatica Corporation

Dated: May 21, 2009

/s/ Wayne D. Porter
Wayne D. Porter, Counsel for Data Retrieval
Technology LLC

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

Mediation

X Private ADR

Deadline for ADR session

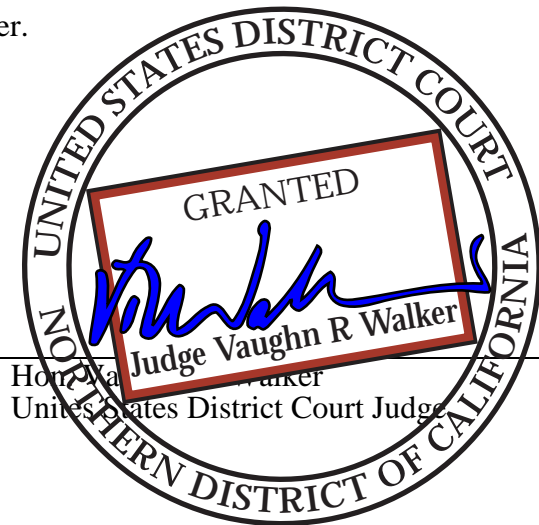
90 days from the date of this order.

Other: November 30, 2009.

IT IS SO ORDERED.

DATED: May 26, 2009.

By



Honorable Judge Vaughn R Walker
United States District Court Judge

Signature Attestation

I hereby attest that concurrence in the filing of this document has been obtained by the above named signatories.

_____/s/_____
James A. Daire

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